



புதுச்சேரி மாநில அரசிதழ்

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அதிகாரம் பெற்ற வெளியீடு

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No.	Puducherry	Tuesday	23rd	November	2021

பொருளடக்கம்

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 76/AIL/Lab./T/2021,
Puducherry, dated 13th November 2021)

NOTIFICATION

Whereas, an Award in I.D (L) No. 23/2019, dated 27-09-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between the management of M/s. M.S. Polymers, Villianur Commune, Puducherry and Thiru G. Veerappan, Vanur Taluk, Villupuram District, Tamil Nadu, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

D. MOHAN KUMAR,

Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL -CUM-
LABOUR COURT AT PUDUCHERRY**

Present : Thiru R. BHARANIDHARAN, M.L.
Presiding Officer.

Monday, the 27th day of September 2021.

I.D. (L) No. 23/2019

in

CNR. No. PYPY060000392019

G. Veerappan,
No. 226, Mariamman Koil Street,
Perambai Village, Vanur Taluk,
Villupuram District,
Tamil Nadu. . . Petitioner

Versus

The Managing Director,
M/s. M.S. Polymers,
R.S. No. 33/2, Koodappakkam
Revenue Village,
Villianur Main Road, Pathukannu,
Villianur Commune,
Puducherry. . . Respondent

This Industrial Dispute coming on 03-09-2021 before me for final hearing in the presence of Thiruvalargal R.T. Shankar, P. Suresh and B. Balamurugan Counsels for the petitioner, the respondent being called absent and set *ex parte*, upon hearing the petitioner and perusing the case records, this Court delivered the following:

AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 64/AIL/Lab./T/2019, dated 24-04-2019 of the Labour Department, Puducherry to resolve the following dispute between the petitioners and the respondent *viz.*,

(a) Whether the dispute raised by the petitioner Thiru G. Veerappan, Vanur Taluk, Villupuram District, against the management of M/s. M.S. Polymers, Villianur Commune, Puducherry, over non-employment is justified or not? If justified, what relief the petitioner is entitled to?

(b) To compute the relief, if any, awarded in terms of money if, it can be so computed?

2. Brief facts of the case of the petitioner:

The petitioner has joined a Driver/Assistant in the respondent company in the year 2012 he has performed his duties without giving any room for any remarks and he has worked more than 300 days in each calendar year. The respondent management failed to regularise his services. When the petitioner insisted, the management to make him as a permanent worker the respondent without any justifiable reason has stopped him at main gate on 15-04-2017 and not permitted him to attend his regular work. When the petitioner asked reason for his non-employment, the Managing Director replied that there is no necessity to give any reason for him. The petitioner did not commit any misconduct in the company, but, the management has projected with false allegation. The respondent management has orally terminated his employment without any termination order or statutory notice which is against the principles of natural justice and section 25(F) of the Industrial Disputes Act. The respondent management has exploited his tender age for a period of 5 years and terminated him without any justifiable reason. The petitioner is entitled for reinstatement with continuity of service and with full back wages and all other attendant benefits.

3. On the respondent side, the respondent was set *ex parte*. On the petitioner side the petitioner Thiru Veerappan, son of Govindaraj, was examined as PW1

his chief affidavit was filed before this Court through him EX.P1 to Ex.P5 were marked. In the evidence of PW1 he has deposed that he has joined the services of the respondent management in the year 2012 and his last drawn salary was ₹ 13,000 per month he has no adverse remarks in his entire services. On 15-04-2017 without any reason, show cause notice or termination order, he was stopped at the main gate from attending his regular work. The act of the respondent management is absolutely illegal. On examination of PW1 petitioner side was closed.

4. Points for consideration:

Whether the dispute raised by the petitioner Thiru G. Veerappan, against the management of M/s. M.S. Polymers, Villianur Commune, Puducherry, over non-employment is justified or not?

5. The learned Counsel for the petitioner in his argument submit that ever since, the date of his appointment in the year 2012 the petitioner was discharged his duties without any adverse remarks and without any misconduct. Since, the petitioner was in long continuous service he has requested the management to regularise his services, when the management failed to consider his request he has insisted for making him as permanent employee of the management. The management was not inclined to regularise his services in order to avoid payment of excess salary and other attendant benefits. The management of the company as a vindictive measure has stopped him at main gate on 15-04-2017 without any notice or termination order. The respondent management has not issued any charge memo and conducted domestic enquiry. The oral termination of services by the respondent management is unknown to the labour jurisprudence and pray for reinstatement of the petitioner in the services of the respondent management with continuity of service and all other attendant back wages.

6. This Court has carefully considered the evidence of PW1 exhibits marked on the petitioner side and the arguments advanced by the learned Counsel for the petitioner side. Since, the respondent management has not considered the request of the petitioner, the petitioner has approached the Labour Conciliation Officer by submitting letter, dated 06-09-2017 conciliation was held before the Conciliation Officer in several rounds and on various dates, but, the Conciliation ended in failure hence, the reference was made to this Court for adjudication.

7. On the petitioner side EX.P4 fifty numbers of monthly salary payment covers were marked. In Ex.P5 letter submitted by the respondent management to the Conciliation Officer on 10-11-2017 they have submitted that the petitioner is in the habit of taking frequent leave and he was attending the office in a drunken condition which causes serious inconvenience of the other employees of the respondent management. The petitioner has also used unparliamentary words as against the supervisors and other employees. Though the respondent management has raised various allegations as against the petitioner in the letter, dated 10-11-2017, the respondent has not issued any show cause notice or charge memo before terminating his services the employment of the petitioner was admitted by the respondent management in the Conciliation proceedings. It is not a case of the respondent that the petitioner was gainfully employed somewhere else.

8. The petitioner was in the services of the Company for about 5 years. The respondent management has not followed the principles of law and the principles of natural justice before terminating the services of the petitioner. The petitioner who was in the services of the respondent company would certainly be affected by the unexpected termination of his employment. Under Article 21 of the Constitution, the right to life includes right to live with human dignity one cannot live with human dignity when his employment is at peril. This Court is of the considered opinion that the respondent management having failed to follow the principles of law and the principles of natural justice is liable to reinstate the petitioner with continuity of service, back wages and all other attendant benefit. Since, the termination order was issued when the petitioner found guilty after conducting Domestic Enquiry the respondent is at fault. Hence, the petitioner is entitled for back wages without any deductions.

9. In the result, the petition is allowed. The respondent management is directed to reinstate the petitioner with continuity of service. The respondent management is further directed to pay his back wages with all other attendant benefits. The respondent management is directed to implement this Award within a period of 8 weeks from the date of this order. No costs.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this the 27th day of September, 2021.

R. BHARANIDHARAN,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

List of petitioner's witness:

PW.1 — 03-09-2021 Veerappan

List of petitioner's exhibits:

Ex.P1 — 08-02-2019 Xerox copy of the Failure report.

Ex.P2 — 06-09-2017 Xerox copy of the letter sent by the petitioner to the Labour Conciliation Officer.

Ex.P3 — 24-04-2019 Xerox copy of the Notification issued by the Labour Department.

Ex.P4 — Original Salary Bills (15 Nos.)

Ex.P5 — 10-11-2017 Xerox copy of the Respondent Letter.

List of respondent's witnesses: Nil

List of respondent's exhibits: Nil

R. BHARANIDHARAN,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

No. 8558/AIL/Lab./G/2021/1718.

Puducherry, dated 18th October 2021.

ORDER

In pursuance of the directions of the Ministry of Labour and Employment, Government of India, New Delhi *vide* D.O. Letter No. M-16011/01/2019-SS-III, dated 13th August, 2021, it is proposed to constitute District Level Implementation Committee in Puducherry District for mobilizing the unorganized workers as follows:

- | | |
|--|----------------------|
| (I) District Collector, Puducherry | .. Chairman |
| (II) Deputy Labour Commissioner | .. Member-Secretary. |
| (III) Commissioner,
Puducherry Municipality. | .. Member |
| (IV) District Coordinator of Common
Service Centres (CSCs). | .. Member |

- | | |
|---|------------|
| (V) All Block Development Officers | .. Members |
| (VI) District Informatics Officer,
National Informatics Centre (NIC). | .. Member |
| (VII) District Level Officers of line
Departments (<i>e.g.</i> Social Welfare
Officer, Women and Child
Development Officer, Information
and Publicity/Elementary
Education Officer/Agriculture
Officer/Fishery Officer). | .. Members |
| (VIII) President/Secretary of State Level
Unions/Associations of – | .. Members |
| (a) Unorganised workers | |
| (b) BOCW workers | |
| (c) Self-Help Group (under National
Urban Livelihood Mission (NULM)
and National Rural Livelihood Mission
(NRLM)) Members. | |
| (d) Domestic workers | |
| (e) ASHA workers | |
| (f) Anganwadi workers | |
| (g) Street vendors | |
| (h) Rickshaw-pullers | |
| (i) Brick-kiln workers | |
| (j) Agricultural labourers | |
| (k) MGNREGA workers | |
| (l) Fishermen and any other such
Workers Associations. | |

2. The functions of the Implementation Committee are as detailed below:

(i) Review the progress of Registrations of unorganized works against the target in the District.

(ii) Review and monitor the working of field level individual Common Service Centres (CSCs) and State Seva Kendras (SSK) in the District and achieving targets under e-SHRAM.

(iii) Mobilize target sub-groups of unorganised workers such as MGNREGA Workers, SHG Members under NRLN/NULM, Street vendors, Rickshaw-pullers, Construction (BOCW) workers, Mid-day meal workers, Domestic workers, ASHA workers, Anganwadi workers, Agricultural labourers, Fishermen and Brick-kiln workers through respective line Department within the District for Registrations under e-SHRAM portal.

(iv) Mobilize target groups of prospective beneficiaries for Registrations in e-SHRAM through respective Labour Unions/Workers' Associations/Federations/Civil Society Organizations/NGOs working for welfare of unorganized workers.